

MOTION BY SUPERVISOR MARK RIDLEY-THOMAS

JULY 7, 2020

**Investing in the Public Defender Law Enforcement Accountability Unit**

In the wake of the murder of George Floyd and subsequent protests in Los Angeles County (County) and across the country, there have been calls for change and an examination of the deeply rooted problems that cause communities of color to disproportionately experience violence at the hands of law enforcement officers. Inclusive of these calls for change is a need to increase accountability of law enforcement personnel when there is a claim of misconduct, including excessive use of force. The public has the right to be assured that the County is monitoring law enforcement personnel, to insist upon transparency of information, and to demand accountability.

Through its representation of the people of the County, the Office of the Public Defender (PD) is on the front lines, providing criminal legal defense for many defendants who too often witness problematic behavior by law enforcement personnel. To ensure that the information PD attorneys obtain from their clients regarding misconduct by law enforcement personnel can be properly documented and utilized in court, the PD created a Law Enforcement Accountability Advisor (Advisor) position in July of 2019 and planned to expand its police monitoring capabilities by creating a Law Enforcement Accountability Unit (LEAU) in May of this year. The LEAU is charged with gathering, reviewing, processing and organizing police misconduct information pertaining to not only the Los Angeles County Sheriff's Department (LASD) but law enforcement agencies throughout the County. Due to budget constraints, however, the LEAU is currently limited to the

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Advisor, a Deputy Public Defender (DPD) and a student worker – insufficient staffing for such a large and important mission.

If expanded and properly resourced, the LEAU could be one of the most powerful, cost-effective and direct means to ensure law enforcement accountability. Taken to scale, the LEAU could better identify law enforcement officers who have abused their authority and/or engaged in unconstitutional behavior and utilize this information in court when representing their clients. When law enforcement officers and prosecutors know this information will be utilized, there is stronger incentive for both better legal practices and retaining law enforcement officers that display a high degree of integrity. The compilation of this information into a database would enhance the ability to search for, review and investigate potential officer abuse, including videos shared by the public. This information may also be helpful in tackling secret societies in the LASD, a problem that has plagued the County for decades. Moreover, a robust LEAU would help ensure compliance with SB 1421 and other similar legislation, while also assisting with post-conviction work. The benefits of this type of unit are many.

In this moment more than ever, it is critical that the LEAU be appropriately funded to ensure the highest standards of transparency and accountability. It is through efforts such as this that the County will move closer towards answering the call for reform and promoting 21<sup>st</sup> century constitutional policing in a way that communities deserve.

**I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS** direct the Chief Executive Officer, in collaboration with the Public Defender (PD), to:

1. Report back in writing in 30 days with recommendations on scaling the Law Enforcement Accountability Unit within the PD's office to improve the tracking, utilization and transparency of law enforcement uses of force, including fatal uses of force, and other forms of misconduct to improve accountability and prevent such incidents from occurring; and
2. Report back during Supplemental Budget on ongoing funds that could be made available in FY 2020-21 to achieve this.

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